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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Garvey et al**

Application No. **09/478,222**

Group Art Unit: **1627**

Filed: **January 5, 2000**

Examiner: **B. Celsa**

For: Methods for Treating Human Impotence with Nitric Oxide Donor Compounds

Docket No: **102258.346**

ATTN: OFFICE OF PETITIONS

Assistant Commissioner of Patents
Washington, DC 20231

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Petition Under 37 CFR § 1.182 to Withdraw Terminal Disclaimer

1. Pursuant to 37 CFR § 1.182 and MPEP § 1490, Applicants respectfully request that the Terminal Disclaimer filed on September 26, 2001, in the present application be nullified and withdrawn from the present application.

2. A copy of the Terminal Disclaimer filed in the present application on September 26, 2001, and the date-stamped filing receipt are attached hereto as Exhibit 1.

3. The present application is pending before the U.S. Patent Office, and a final Office Action was issued on January 22, 2002.

4. The Terminal Disclaimer was filed in response to an obviousness-type double patenting rejection over claims 8-11 of co-pending Application No. 09/354,424 (in view of US Patent No. 5,380,758 to Stamler and US Patent No. 5,565,466 to Gioco et al) that was issued in the present application in an Office Action dated June 29, 2001.

5. On March 21, 2002, Applicants canceled claims 8-11 from co-pending Application No. 09/354,424, without prejudice.

6. Since claims 8-11 of co-pending Application No. 09/354,424 have been canceled from that application without prejudice, there is now no basis for the U.S. Patent Office to assert an obviousness-type double patenting rejection of the present claims over the claims in co-pending Application No. 09/354,424.

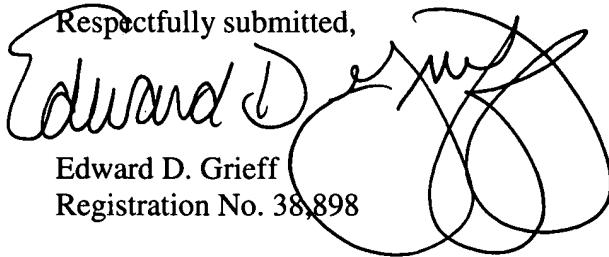
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7. Since there is no basis for the PTO to now assert an obviousness-type double patenting rejection of the present claims over the claims in co-pending Application No. 09/354,424, Applicants respectfully request that the Terminal Disclaimer attached in Exhibit 1 be nullified and withdrawn from the present application.

8. Applicants respectfully request that this Petition be granted.

Respectfully submitted,

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Date: April 16, 2002

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